

# CRB COMPLAINT EVALUATION FORM

Case Number: 09-005

Complainant Name: James Price

## CASE SUMMARY

**Date of Incident:** 5/22/2009

**Date of Complaint filed with CRB:** 5/22/2009

**Date of Complaint filed with IA via CRB:** 5/26/2009

**Officers:** Officer Steve Mitchell

**Allegation:** Rudeness

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The Complainant, James R. Price, faxed in a complaint to the CRB against Officer Mitchell due to that officer's alleged kicking of Mr. Price in his leg. The KWPD'S IA office was unsuccessful in reaching Mr. Price and returned the file to the CRB. The Executive Director called Mr. Price on September 14, 2009, to inquire as to his intentions since Mr. Price had not responded to the CRB notice letter sent to him about this matter dated August 24, 2009. Mr. Price stated on the phone that he just wanted the CRB to know about this officer's conduct and that he did not want to proceed with any investigation. He just "wanted it known". He was aware that the CRB would be hearing his file on September 28, 2009, and Mr. Price stated he was not interested in attending the CRB meeting as he was going to relocate soon from Key West. Mr. Price was encouraged to contact the CRB or show up at the CRB meeting set for September 28, 2009, should he change his mind.

This file consists of the following written materials:

1. Complaint received from Mr. James Price and receipt of transfer of file to the KWPD;
2. Memorandum dated August 20, 2009 from Inspector Randy Smith; &
3. Notice Letters to involved parties;

**THE FACTUAL ALLEGATIONS OF THIS/THESE COMPLAINT(S) HAS/HAVE NOT BEEN INVESTIGATED BY EITHER THE INTERNAL AFFAIRS DIVISION OF THE KEY WEST POLICE DEPARTMENTMENT, NOR THE CITIZENS REVIEW BOARD (CRB). THIS/THESE COMPLAINT(S) IS/ARE BEFORE THE BOARD FOR ADMINISTRATIVE PROCESSING ONLY UNTIL SUCH TIME AS EITHER INTERNAL AFFAIRS OR THE CRB INVESTIGATES THE ALLEGATIONS OF THE COMPLAINT. ANY READER OF THIS/THESE COMPLAINT(S) SHOULD NOT PRESUME THAT THE OFFICER COMPLAINED AGAINST HAS ENGAGED IN ANY WRONGDOING.**

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Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Lt. David Smith/Inspector Randy Smith  
FROM: Stephen Muffler, Esquire  
DATE: ~~5/26/09~~ *OK 5/26/09*  
RE: CRB Complaint 09-005/Transfer to IA

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Attached please find a complaint filed by Mr. James Price against Officer Mitchell.  
Please acknowledge below receipt of this request and letter/enclosures and report back to  
the CRB with your findings within the 45 day time frame. Thanks.

Receipt

*[Signature]*

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# Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041

(305) 809-3887 Fax (305) 293-9827

email: [crb@keywestcity.com](mailto:crb@keywestcity.com)

<http://www.keywestcity.com/department/board.asp?IDD=36-153>

- What you need to know before completing the attached complaint form:
- This complaint and any attachment become public record. If you have already filed a report with Key West Police Department Internal Affairs, and you want that complaint to remain confidential until the investigation is complete, you may want to refrain from filing at this time.
- Complaints should be filed as soon as possible the time you became aware of the incident or after resolution of any criminal charges.
- Anyone who has criminal charges pending related to this complaint should consult an attorney before filling the complaint with the CRB and such pending charges may delay the progress of the investigation of your complaint with the CRB. Further, any statements made to the CRB are public record and can be used by anyone to incriminate the complainant. All statements will be uploaded to the internet
- Complainants must advise the CRB of any changes of address or phone number; failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.
- All documents received by this office, including medical records, photo IDs, communications and alike become public records and will be disclosed on the Internet and viewable by anyone or any person. You should consider this fact before sending any matters or materials to this office.
- The CRB and its employees and agents are not your legal representatives. You should seek independent legal representations to understand your legal rights regarding the matters referenced in your complaint.
- The CRB jurisdiction is limited to City of Key West Police Officers and NOT Monroe county sheriffs, correction officers, Florida Fish and Wildlife Officers, FDLE representatives, Florida Highway Patrol Officers, Federal Agents, Military personal and alike.

I have read and understand the information provided to me on this page.

  
Name/Nombre

5/22/09  
Date/Fecha

**D. VICTIM/WITNESS INFORMATION**  
**DATOS DE LA VICTIMA/TESTIGO**

Did you witness the incident? Yes ☒ No ☐  
¿Fue usted testigo del incidente denunciado? Si ☐ No ☐

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):  
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa( las) persona(s):

Parent ☐ Spouse ☐ Relative ☐ Guardian ☐ Child ☐ Friend ☐ Other ☒  
Padre/Madre ☐ Conyuge ☐ Familiar ☐ Tutor ☐ Hijo/a ☐ Amigo/a ☐ Otra ☐

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:

Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona( las) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

**Victim/Witness #1**

**Victima/Testigo No. 1**

Is this person a: victim ☒ witness ☐

Esta persona es: víctima ☐ testigo ☐

Name: James R. Price

Nombre

Address: 506 Southard St City Keywest State FL

Dirección:

Ciudad:

Estado:

Zip Code  Contact numbers: Telephone  Cell

Código Postal

Teléfono

**Victim/Witness #2**

**Victima/Testigo No. 2**

Is this person a: victim ☐ witness ☐

Esta persona es: víctima ☐ testigo ☐

Name:

Nombre

Address:  City  State

Dirección:

Ciudad:

Estado:

Zip Code  Contact numbers: Telephone  Cell

Código Postal

Teléfono

**Victim/Witness #3**

**Victima/Testigo No. 3**

Is this person a: victim ☐ witness ☐

Esta persona es: víctima ☐ testigo ☐

Name:

Nombre

Address:  City  State

Dirección:

Ciudad:

Estado:

Zip Code  Contact numbers: Telephone  Cell

Código Postal

Teléfono

# COMPLAINT FORM

## Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041

<http://www.keywestcity.com>

[email\\_crb@keywestcity.com](mailto:email_crb@keywestcity.com)

(305) 809-3887 Fax (305) 293-9827

Please provide as much information as you can about the incident(s). Use additional pages if necessary.

Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario.

### A. COMPLAINANT INFORMATION

#### DATOS DEL DENUNCIANTE

Name: James R Price Date of Birth: 9/16/88  
Nombre Fecha de nacimiento

Address: 505 Southern St  
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: Same  
Dirección postal PO Box or Street, City, State and Zip

Work Address: None  
(Dirección del trabajo)

Home Phone: (305) 742 8589 Work Phone: (305) 742 8589 Cellular: ( ) 742 8589  
Teléfono Particular Teléfono del Trabajo Celular

### B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular le todas las que apliquen.

Battery/Force Rudeness Deficient Svc Profanity Truthfulness Issue Driving False Arrest Excessive Force Searches  
Other: abuse of authority

### C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT

#### DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: S. Mitchell Badge #: ? Vehicle #: 5022  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: Ht. 5-9" sunglasses/grey/Brown  
Hair

Name: \_\_\_\_\_ Badge #: \_\_\_\_\_ Vehicle #: \_\_\_\_\_  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: \_\_\_\_\_

Name: \_\_\_\_\_ Badge #: \_\_\_\_\_ Vehicle #: \_\_\_\_\_  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: \_\_\_\_\_

E. INFORMATION ABOUT THE INCIDENT  
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.

Suministre la mayor cantidad de información posible, utilizando páginas adicionales si fuese necesario.

Date: 5/22/09 Time: 8:52 am Location: Simonton Beach Case # If applicable: \_\_\_\_\_  
Fecha: 5/22/09 Hora: 8:52 am Lugar: Simonton Beach No. de Caso, si corresponde: \_\_\_\_\_

The Officer comes up to me, Kicks me in the leg, and tells me, I can not sit on a Cushion on the beach. Very Rude of him. You just don't Kick people!!

Attach additional pages if necessary. Page number \_\_\_\_ of \_\_\_\_ pages of narrative

Are you being prosecuted for this incident or do you have a pending criminal case? Yes \_\_\_\_ No X

Have you ever been convicted of a felony? Yes \_\_\_\_ No X

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true." I hereby acknowledge and understand that any documents, materials, medical records, e-mail and other communication delivered to the CRB office becomes public record and shall be viewable on the internet by anyone or any entity. You have been advised that any statement made to the CRB can be used by other governmental entities.

James Price

Signature of Complainant

5/22/09

Date signed

Complaint Received by:

Complaint Reviewed by:

Action Taken:

Date complaint forwarded to Chief of Police: \_\_\_\_\_

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**Donald J. Lee, Jr.**

**Chief of Police**



**Key West**

**POLICE DEPARTMENT**

**TO:** Citizen Review Board  
**FROM:** Inspector Randy Smith, Office of Internal Affairs  
**DATE:** August 20, 2009  
**RE:** Complainant James Price

On May 22, 2009, James Price filed a complaint with your office which was then forwarded to the Office of Internal Affairs at the Key West Police Department. Lt. Smith and I reviewed the complaint and attempted to make contact with Mr. Price on June 10, 2009, by phone at his listed phone number. We received no answer and left a message on his voice mail. After a few days of no return phone calls to either one of us, we attempted to make contact by phone for a second time, again with no return phone calls. We continued to make several more attempts to simply get a person on the phone, all with no response. As of the above listed date the Key West Police Department has received no contact from Mr. Price regarding his complaint. Lt. Smith made one final call on August 20, 2009, which went to voicemail. Lt. Smith left a message and explained to Mr. Price we have closed his complaint due to lack of contact. We consider this matter **CLOSED**.



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



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**CITY OF KEY WEST**

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

May 26, 2009

**VIA REGULAR US MAIL**

Mr. James R. Price  
505 Southard Street  
Key West, FL 33040

Complaint File: **CRB No. 09-005**  
**KWPD-IA File Number: (to be assigned)**

Dear Mr. Price:

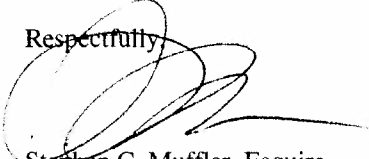
This letter shall confirm receipt of your complaint against Officer Mitchell. As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the Board will await IA's findings and conclusions. The Board will consider the matter thereafter if you are not satisfied with IA's handling of the complaint. The Board reserves its rights to investigate the matter at any time if appropriate under the circumstances and in accordance with the City's Charter and Florida law.

Please note that all documents and communications received by this office are considered public records. You will be updated periodically by this office during material stages of the aforementioned processes. Please make sure that this office is updated at all times of any change to your contact information or mailing address.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same.

You are welcome to call or write us with any questions you may have.

Respectfully,

  
Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law  
cc: File



## CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

August 24, 2009

**VIA REGULAR US MAIL**

Mr. James R. Price  
505 Southard Street  
Key West, FL 33040

Complaint File: **CRB No. 09-005**  
**KWPD-IA File Number: (none)**

Dear Mr. Price:

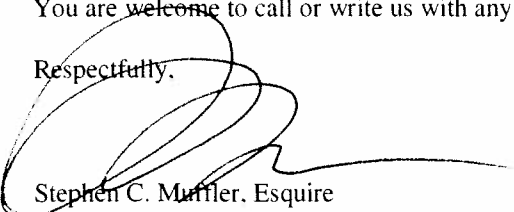
As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. Enclosed please find a copy of a memorandum from Inspector Randy Smith of IA. We will assume that you **do not** wish to proceed with your complaint if you fail to contact Inspector Randy Smith at (305) 809-1081 and make a formal statement and cooperate fully with IA's investigation.

If no further contact with this office or IA occurs, the Board will consider your file which will consist of your complaint, this letter and IA's memorandum at its September 28, 2009 meeting at 6:00 p.m. at Old City Hall, 510 Greene Street, Key West Florida 33040. You are invited to attend such a meeting. However, you are encouraged to contact Inspector Randy Smith soon so that your complaint is not considered abandoned.

Please note that all documents and communications received by this office are considered public records. Please make sure that this office is updated at all times of any change to your contact information or mailing address.

You are welcome to call or write us with any questions you may have.

Respectfully,

  
Stephen C. Muller, Esquire  
Executive Director  
Attorney-at-Law  
cc: File

**Donald J. Lee, Jr.**  
**Chief of Police**



**Key West**  
**POLICE DEPARTMENT**

**TO:** Citizen Review Board  
**FROM:** Inspector Randy Smith, Office of Internal Affairs  
**DATE:** August 20, 2009  
**RE:** Complainant James Price

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Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Lt. David Smith  
FROM: Stephen Muffler, Esquire  
DATE: 9/14/09  
RE: CRB Agenda for 9/28/09

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Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officers to view on the CRB website.

# AGENDA

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street  
**Monday, September 28, 2009**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
  - a. August 24, 2009
5. COMMISSION APPOINTED MEMBER INTRODUCTION (IF NEEDED)
6. TRACKING CHART REVIEW
7. CONTINUED OR NEW BUSINESS
  - a. File review: **CRB Case No. 09-005 (Price)**
  - b. File review: **CRB Case No. 09-007 (Downs)**
8. COUNSEL'S REPORT
9. CHAIRPERSON'S REPORT
10. BOARD MEMBERS REPORT/GENERAL COMMENTS
11. EXECUTIVE DIRECTOR'S REPORT
  - a. Update on Proposed CRB Budget FY 09-10
  - b. NACOLE Conference- Identification of the Two Members who Will Attend
  - c. Proposal to Cancel Some CRB Upcoming Meeting(s) Due to Low File Load;
  - d. CRB Fall 2009 E-Newsletter to go out October 1, 2009
  - e. Scheduling the 2010 Meeting Dates (in order to Reserve the Chambers)
12. PSO/IA COMMENTS/FOLLOW-UP
13. PUBLIC INPUT
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Officer S. Mitchell

FROM: Stephen Muffler, Esquire

DATE: 9/14/09

RE: CRB Complaint #09-005/Price

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Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on September 28, 2009. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel. Materials on this file may be viewable via the CRB website prior to the meeting.



# AGENDA

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street  
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12. PSO/IA COMMENTS/FOLLOW-UP
13. PUBLIC INPUT
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT

## Citizens Review Board

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**From:** Citizens Review Board  
**Sent:** Monday, September 14, 2009 11:32 AM  
**To:** Stephen Mitchell  
**Cc:** Citizens Review Board; David T. Smith; Randall Smith  
**Subject:** CRB Notice/CRB Case No. 09-005

**Attachments:** Mitchell Notice.PDF

Attached please find your notice for the CRB meeting on September 28, 2009. If you have any questions please feel free



Mitchell Notice.PDF  
(46 KB)

to contact me directly. Thank you.

Stephen C. Muffler, Esquire  
Executive Director  
Attorney at Law

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City of Key West  
Citizen Review Board  
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**Note To Recipients:** Under Florida law, this communication and any response or reply to it, will be subject to public records requests/disclosure laws, unless an applicable privilege or rule of evidence applies.

**Note to Citizen Review Board Members:** In accordance with the Florida Sunshine Law, please do not "reply to all" if there are other board members receiving this e-mail concerning Board business. Please only reply to non-board members when responding.